

15 August 1956

MEMORANDUM FOR: Claims Branch, Fiscal Division

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SUBJECT : Vehicle Accident - Claims by [REDACTED]
and [REDACTED]

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JA 7-1267

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1. In this accident an Agency vehicle driven by [REDACTED] collided with the vehicle driven by [REDACTED] which in turn collided with that driven by [REDACTED]. The accident reports indicate that the proximate cause was the failure of the [REDACTED] vehicle to yield the right of way to the Agency vehicle. The Agency vehicle was in the traffic circle and the [REDACTED] vehicle entering the circle at the point of collision. The Code of Virginia, Section 46-233 provides:

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"At the traffic circles vehicles already in the circle shall have the right of way over vehicles approaching and entering the circle."

Under the circumstances it is the opinion of this Office that the facts of the accident are not such as would make the United States liable as if a private person, as provided in the Federal Torts Claims Act, 28 USC 2672, as amended.

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2. Although the Agency vehicle did not cause the accident it could have been avoided through the exercise of greater care and courtesy on the part of the Agency driver. Captain [REDACTED] of the Transportation Division, the investigating officer, has requested that [REDACTED] review the facts of this accident in order to determine whether or not administrative action should be taken against the Agency driver.

3. Claims Branch, Fiscal Division should inform the claimants of the denial of their claims and the reason therefor.

4. The file is forwarded.

OGC/JDM:jcf

- 1. - Addressee
- 1. - Subject
- 1. - Signer
- 1. - Chrono

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Office of General Counsel

cc: Recording Secretary/HBS